

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

THOMAS M. MOROUGHAN, \_\_\_\_\_ X

Plaintiff,

12-CV-0512  
(JFB) (AKT)

-against-

RESPONSE TO  
PLAINTIFF'S FIFTH  
DEMAND FOR THE  
PRODUCTION OF  
DOCUMENTS TO  
DEFENDANT NASSAU  
COUNTY

THE COURT OF SUFFOLK, SUFFOLK COUNTY  
POLICE DEPARTMENT, SUFFOLK DETECTIVES RONALD  
TAVARES, CHARLES E. LESTER III, EUGENE GEISSINGER,  
NICHOLAS FAVATTA, and ALFRED CICCOTTO, DETECTIVE/SGT.  
WILLIAM J. LAMB, SGT. JACK SMITHERS, SUFFOLK POLICE  
OFFICERS, WILLIAM MEANEY, ENID NIEVES, CHANNON  
ROCCHIO, and JESUS FAYA and SUFFOLK  
JOHN DOES 1-10, THE COUNTY OF NASSAU, NASSAU COUNTY  
POLICE DEPARTMENT, SGT. TIMOTHY MARINACI, DEPUTY  
CHIEF OF PATRON JOHN HUNTER, INSPECTOR EDMUND  
HORACE, COMMANDING OFFICER DANIEL FLANAGAN,  
DETECTIVE/SGT. JOHN DEMARTINIS, NASSAU POLICE  
OFFICERS ANTHONY D. DILEONARDO, EDWARD BIENZ  
and JOHN DOES 11-20,

Defendants.

\_\_\_\_\_ X

COUNSELLORS:

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and Rule 47 of  
the Local Rules of this Court, Defendants, COUNTY OF NASSAU, THE NASSAU COUNTY  
POLICE DEPARTMENT AND NASSAU POLICE OFFICERS, EDWARD BIENZ,  
ANTHONY DILEONARDO, by their attorney, CARNELL FOSKEY, Michael J. Ferguson,  
Deputy County Attorney, respondent to Plaintiff's Fifth Demand for the Production of  
Documents to Defendant Nassau County, upon information and belief, states as follows:

GENERAL OBJECTIONS

1. Defendants object to Plaintiff's Request because and to the extent that it seeks documents that are confidential and private
2. Defendants object to Plaintiff's Request because and to the extent that it seeks information or documents that are neither relevant nor reasonable calculated to lead to the discovery of admissible evidence.
3. These General Objections are continuing and are incorporated by reference in each and every Response set forth below.
4. By providing the documents below, Defendants do not in any way waive or intend to waive but rather intent to preserve and are preserving (a) all objections to competency, relevance, materially and admissibility of the Responses or the subject matter thereof; (b) all objections as to vagueness, ambiguity, or undue burdensome; (c) all rights to object on any ground to the use of any of said Responses or the subject matter thereof, in any subsequent proceeding, including the trial of this or any other actions; and (d) all rights to object on any ground to any request for further Responses to these or any other discovery requests involving or relating to the subject matter of the Request.
5. Defendants' Responses are based upon information and documents presently known to Defendants and Defendants reserve the right to present at trial additional information discovered subsequently.

REQUESTS FOR PRODUCTION

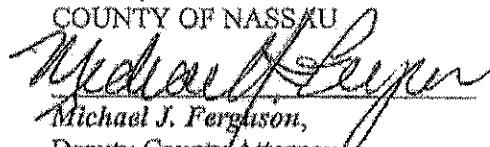
- 1. Produce any and all documents, records, and minutes of testimony recorded in connection with any and all indemnification, proceedings and/or hearings held by the Nassau County Police Officer Indemnification Board regarding Officer Edward Blenz.*
1. Response: Nassau County defendants object to this document request on the grounds of relevancy, privacy and privilege pursuant to New York Civil Rights Law § 50-a. Notwithstanding said objections, and without waiving same, there are no minutes or records maintained of testimony and proceedings before Nassau County Police Indemnification Board.

2. *Produce any and all documents, records, and minutes of testimony recorded in connection with any all indemnification proceedings and/or hearings held by the Nassau County Police Officer Indemnification Board regarding former Officer Anthony DiLeonardo*
2. **Response:** Nassau County defendants object to this document request on the grounds of relevancy, privacy and privilege pursuant to New York Civil Rights Law § 50-a. Notwithstanding said objections, and without waiving same, there are no minutes or records maintained of testimony and proceedings before Nassau County Police Indemnification Board.

PLEASE TAKE NOTICE, that the defendant, COUNTY OF NASSAU reserves its right to supplement and/or amend these Responses up to and including the time of trial should any additional information become known to the defendant subsequent to this Response.

Dated: Mineola, NY  
June 9, 2014

Yours, etc.,  
**CARNELL FOSKEY**  
County Attorney of Nassau County  
Attorney for the Defendant  
COUNTY OF NASSAU

  
*Michael J. Ferguson,*  
Deputy County Attorney  
Nassau County Executive Building  
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Mineola, New York 11501  
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